

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/931,615 09/16/97 KAWATA

T 041464-5018

EXAMINER

WM02/1117

MORGAN LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON DC 20036-5869

LE, H	ART UNIT	PAPER NUMBER
-------	----------	--------------

2643

DATE MAILED:

11/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.  
08/931,615

Applicant(s)

Kawata et al.

Examiner

Huyen Le

Group Art Unit  
2643



Responsive to communication(s) filed on Aug 24, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 2-9, 14-17, and 20-30 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 2-9, 14-17, and 20-30 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2743

## **DETAILED ACTION**

1. Claims 17 and 30 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. .

The limitation of “the magnetic circuit has a rectangular shape” in claims 17 and 30 does not have a further limitation of claims 6 and 4, respectively.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

Art Unit: 2743

made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 2-4, 6, 8-9, 15, 17, 20, 22-24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sariti (U.S. patent 3,079,472) in view of Nakamura (U.S. patent 4,969,196).

Regarding claims 4, 6, 15, 17, 20, 22-24 and 30, Sariti teaches a speaker unit which comprises a diaphragm (52), a cylindrical voice coil (50) secured on a center of the diaphragm, a rectangular frame (see the housing 48 in figures 1-2 and col. 2, lines 56-58), and a magnetic circuit formed by a rectangular top plate (12), a rectangular magnet (33) and a rectangular back plate (14) having an upright pole (24) on its center.

As shown in figures 1-3, the top plate (12), the magnet (33) and the backplate (14), each has a width (figure 2) that is equal to or narrower than the width of the rectangular frame in its shorter axis. Also, the top plate (12), the magnet (33) and the backplate (14), each has a length (figure 3) that is equal to or shorter than the length of the rectangular frame in its longer axis.

In addition, Sariti shows the cylindrical voice coil (50) which has a circular cross section (see the circular openings 16, 34, and 20 in figure 1, and the air gap 30 in figure 2).

Since the magnetic circuit of Sariti is formed in a rectangular shape (col. 2, lines 56-58), the width of each of the top plate, the magnet and the back plate is substantially less than the length of each respective length as claimed. Also, it is obvious that the speaker unit of Sariti can be installed in any space such as a narrow space which is fitted with the width.

Art Unit: 2743

Sariti does not specifically teach the diaphragm and the frame which have the elliptical portion as claimed. However, Sariti does not restrict to any shape for the speaker system (col. 2, lines 56-59). Also, providing an oval or elliptical speaker is very well-known in the art.

Nakamura shows an oval or elliptical speaker (96, figures 11, 13).

Therefore, it would have been obvious to one skilled in the art to provide an elliptical shape, as taught by Nakamura, for the speaker of Sariti such as providing an elliptical diaphragm and a frame with an elliptical opening to receive the diaphragm for an alternate choice of providing a desired shape for the speaker.

Regarding claims 2 and 8, Sariti shows the frame structure, the top plate, the magnet and the back plate which are arranged in parallel relation with one another.

Regarding claims 3 and 9, Sariti do not teach that the speaker unit is installed on either side of a television display on a television set.

However, the examiner takes the Office Notice that providing a speaker unit to be installed on either side of a television is very well-known in the art.

Therefore, it would have been obvious to one skilled in the art to provide the speaker unit of Sariti to be installed in either side of the television for applying the speaker system to an electronic device.

Regarding claim 15, as shown in the drawings, the magnetic circuit of Sariti has the same shape as the rectangular frame (also see col. 2, lines 56-59).

Art Unit: 2743

4. Claims 5, 7, 14, 16, 21 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sariti in view of Nakamura (U.S. patent 4,969,196) as applied to claims 4 and 6, respectively above, and further in view of Lee et al. (GP 2,278,251) or Numa (JP 355118299).

Regarding claims 5 and 7, Sariti in view of Nakamura do not teach a magnetic case as claimed. However, providing a magnetic case for housing the magnetic circuit is well-known in the art.

Lee or Numa shows a magnetic case (111 in Lee and 26 in Numa) as claimed.

Therefore, it would have been obvious to one skilled in the art to provide the magnetic case, as taught by Lee or Numa, for covering the magnetic circuit of ~~Takahashi~~ in view of <sup>Sariti</sup> ~~Nakamura~~ to reduce the leakage magnetic flux.

Regarding claims 14, 16 and 21, Sariti in view of Nakamura do not teach a second magnet as claimed. However, it is very well-known in the art to provide a second magnet in the magnetic circuit of the speaker.

Lee or Numa teaches a second plate-shaped magnet as claimed in the magnetic circuit.. Therefore, it would have been obvious to one skilled in the art to provide the second magnet, as taught by Lee or Numa in the magnetic circuit of Sarati for reducing the leakage magnetic flux.

Regarding claims 25-26 and 28-29, Sariti in view of Nakamura include all the limitations as claimed as mentioned above in paragraph 3 of the Office Action.

Sariti in view of Nakamura do not teach a second magnet as claimed. However, it is very well-known in the art to provide a second magnet in the magnetic circuit of the speaker.

Art Unit: 2743

Lee or Numa teaches a second plate-shaped magnet as claimed in the magnetic circuit.. Therefore, it would have been obvious to one skilled in the art to provide the second magnet, as taught by Lee or Numa in the magnetic circuit of Sarati for reducing the leakage magnetic flux.

Regarding claim 27, as shown in the drawings, the magnetic circuit of Sariti has the same shape as the rectangular frame (also see col. 2, lines 56-59).

***Response to Arguments***

5. Applicant's arguments filed 08/24/2000 have been fully considered but they are not persuasive.

Responding to the arguments on page 8 in the Remarks, the examiner has explained in the Office Action.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2743

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is (703) 305-4844. The examiner can normally be reached on Monday through Friday from 9:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 305-9508 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

HL

November 15, 2000

  
HUYEN LE  
PRIMARY EXAMINER

**ATTACHMENT TO AND MODIFICATION OF**  
**NOTICE OF ALLOWABILITY (PTO-37)**  
***(November, 2000)***

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE  
CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE  
OATH OR DECLARATION**, notwithstanding any indication to the  
contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the  
portion lined through below is of no force and effect and is to be ignored<sup>1</sup>:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to  
EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in  
ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability,  
such as in an Examiner's Amendment/Comment or in a Notice of  
Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

---

<sup>1</sup> The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).